IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

CRL.A.No. 1215 of 2002(B)

CC.23/2000 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOLLAM

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APPELLANT: COMPLAINANT

ROY ABRAHAM S/O. K.J.ABRAHAM,
KANNIYAPLAZHIKATH, ASHTAMUDI CHERRY,
THRIKKARUVA VILLAGE, ASHTAMUDI P.O., KOLLAM.

BY ADV. SRI.T.A.SHAJI

RESPONDENTS: ACCUSED & STATE

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1. ANILKUMAR P., S/O. PURUSHOTHAMAN,
KANNAMANGALATHU HOUSE, AAKKOLI CHERRY,
MAYYANAD VILLAGE, MAYYANAD P.O., KOLLAM DISTRICT.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.ANIL K.NARENDRAN
PUBLIC PROSECUTOR SRI.THOMAS JOHN AMBOOKEN.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 20/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M. JAMES, J.

Criminal Appeal No. 1215 of 2002

Dated this the 20th February, 2007.

J U D G M E N T

The complaint preferred by the complainant, under Section 138 of the Negotiable Instruments Act, before the Judicial First Class Magistrate Court-II, Kollam, as C.C.No.23/2000, was dismissed, on the ground that the complainant was absent, when the matter was taken up, after rejecting the application filed to condone the absence of the complainant. The dismissal of the complaint is under challenge through this appeal, after obtaining leave of this Court.

2. After considering the arguments advanced by both sides, in order to give an opportunity to the parties to raise their contentions before the court below, I set aside the impugned order, dated 14.8.2002, and restore C.C.No.23/2000, to the file of the Judicial First Class Magistrate Court-II, Kollam.

3. The parties shall appear before the court below on 21.3.2007.

4. The case being of the year 2002, I direct the learned Magistrate to dispose of the case, at the earliest, and in any case, within two months from the date of appearance of the parties.

Criminal Appeal is disposed of as above.

J.M. JAMES,
JUDGE

nj.

J.M. JAMES, J.

Criminal Appeal No. 1215 of 2002

J U D G M E N T

Dated: 20th February, 2007.